IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

AILD OF AMERICA,

v. : Case No. 3:09-cr-02-KRG-KAP VINCENT L. RUCHLEWICZ, : (Case No. 3:12-cv-150-KRG-KAP)

Movant :

Memorandum Order

The movant's motion to vacate, docket no. 87, was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C.§ 636(b)(3), and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on July 14, 2014, docket no. 108, recommending that the motion to vacate be denied.

The parties were notified that pursuant to 28 U.S.C.§ 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. Movant filed timely objections, docket no. 109, that are meritless.

After <u>de novo</u> review of the record of this matter, together with the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 12th day of August, 2014, it is

ORDERED that the motion to vacate, docket no. 87, is denied. A certificate of appealability is issued on the question whether a violation of the <u>Petite</u> policy gives rise to a legally enforceable claim. (The movant still must appeal the matter to the Court of Appeals.) The Report and Recommendation is otherwise adopted as the opinion of the Court. The Clerk shall mark the civil matter closed.

BY THE COURT:

KIM R. GIBSON,

UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Vincent L. Ruchlewicz, Reg. No. 40706-066 F.C.I. Milan

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